

**UNITED STATES BANKRUPTCY COURT
District of New Jersey**

IN RE: **Brian W. Shaw
Latisha Shaw**

Case No.: **17-34064**
Judge: **JKS**

Debtor(s)

CHAPTER 13 PLAN AND MOTIONS

☒ Original
☐ Motions Included

☐ Modified/Notice Required
☐ Modified/No Notice Required

Date: 12/27/2017

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS WILL BE AFFECTED.

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☒ DOES ☐ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney **DAA**

Initial Debtor: **BWS**

Initial Co-Debtor **L S**

Part 1: Payment and Length of Plan

a. The debtor shall pay 227.00 Monthly to the Chapter 13 Trustee, starting on December 1, 2017 for approximately 60 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future Earnings
☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

- ☐ Sale of real property

Description:

Proposed date for completion: _____

- ☐ Refinance of real property:

Description:

Proposed date for completion: _____

- ☒ Loan modification with respect to mortgage encumbering property: 6 Valley Road, Randolph, New Jersey 07869

Description: Mortgage Loan Modification with Shellpoint - capitalization of arrears into new principal balance

Proposed date for completion: March 31, 2018

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Loan Modification of mortgage encumbering property situated at 16-22 Polk Avenue, Dover, NJ 07801

Mortgage Loan Modification with Citibank - Capitalization of arrears into new principal balance

Proposed Date for Completion:
March 31, 2018

- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.
e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

☒ NONE

a. Adequate protection payments will be made in the amount of \$ ____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to ____ (creditor).

b. Adequate protection payments will be made in the amount of **\$2,200.00** to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: **Shellpoint Mortgage Servicing** (creditor).

c. Adequate protection payments will be made in the amount of **\$1,600.00** to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: **Citibank** (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid	
Ast & Schmidt, P.C.	Attorneys Fees	\$1,000	
<div>b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount: Check one: <input checked="" type="checkbox"/> None <input type="checkbox"/> The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):</div>			
Creditor	Type of Priority	Claim Amount	Amount to be Paid

Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Shellpoint Mortgage Servicing	6 Valley Road Randolph, NJ 07869	\$310,000	0.00	0.00*	\$3200

* Arrears shall be capitalized into a new principal balance pursuant to a mortgage loan modification agreement

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Citibank	16-22 Polk Ave., Dover, NJ 07801	\$254,000	0.00	0.00*	\$2449

* Arrears shall be capitalized into a new principal balance pursuant to a mortgage loan modification agreement

c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation
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d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☒ **NONE**

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
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f. Secured Claims Unaffected by the Plan ☐ **NONE**

The following secured claims are unaffected by the Plan:

Creditor

Capital One Auto Finance
Ocwen Loan Servicing

g. Secured Claims to be Paid in Full Through the Plan ☐ **NONE**

Creditor	Collateral	Total Amount to be Paid through the Plan

Part 5: Unsecured Claims ☒ **NONE**

a. Not separately classified allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$ ____ to be distributed *pro rata*
- ☒ Not less than 100 percent
- ☐ *Pro Rata* distribution from any remaining funds

b. Separately Classified Unsecured claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
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Part 6: Executory Contracts and Unexpired Leases ☒ **NONE**

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
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Part 7: Motions ☐ **NONE**

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J.

LBR 3015-1. A Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f). ☒ **NONE**
The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
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b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☐
NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☐ **NONE**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) **Ch. 13 Standing Trustee Commissions**
- 2) **Other Administrative Claims**
- 3) **Secured Claims**
- 4) **Lease Arrearages**
- 5) **Priority Claims**
- 6) **General Unsecured Claims**

d. Post-Petition Claims

The Standing Trustee ☒ is, ☐ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☒ **NONE**

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: _____.

Explain below **why** the plan is being modified:

Explain below **how** the plan is being modified:

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☐ No

Part 10 : Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures

☒ **NONE**

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are void.

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Certification.

I certify under penalty of perjury that the plan contains no non-standard provisions other than those set forth in this final paragraph.

Date	<u>December 27, 2017</u>	<u>/s/ David A. Ast</u> David A. Ast Attorney for the Debtor
Date:	<u>December 27, 2017</u>	<u>/s/ Brian W. Shaw</u> Brian W. Shaw Debtor
Date:	<u>December 27, 2017</u>	<u>/s/ Latisha Shaw</u> Latisha Shaw Joint Debtor

Signatures

The Debtor(s) and the attorney for the Debtor(s) if any, must sign this Plan.

Date December 27, 2017 /s/ David A. Ast
David A. Ast
Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: December 27, 2017 /s/ Brian W. Shaw
Brian W. Shaw
Debtor

Date: December 27, 2017 /a/ Latisha Shaw
Latisha Shaw
Joint Debtor

Certificate of Notice Page 9 of 10
 United States Bankruptcy Court
 District of New Jersey

In re:
 Brian W. Shaw
 Latisha Shaw
 Debtors

Case No. 17-34064-JKS
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 26

Date Rcvd: Dec 28, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 30, 2017.

db/jdb +Brian W. Shaw, Latisha Shaw, 6 Valley Road, Randolph, NJ 07869-2920
 lm +Shellpoint Mortgage Servicing, PO BOX 51850, Livonia, MI 48151-5850
 517201549 +AHS Hospital Corp, c/o Anthony J. Iler, Richard W. Krieg, LLC, 17 Prospect Street,
 Morristown, NJ 07960-6862
 517201550 +Anesthesia Associates of Morristown, Attn: GEM Recovery Systems,
 99 Kinderkamack Road Suite 308, Westwood, NJ 07675-3021
 517201551 +CACH LLC/MBNA America NA, Attn: Federated Law Group PLLC, 887 Donald Ross Road,
 Juno Beach, FL 33408-1611
 517201553 Citimortgage, c/o KML Law Group, P.C., 216 Haddonfield Ave., Suite 401,
 Randolph, NJ 07869
 517201554 +Citimortgage, P.O. Box 183040, Columbus, OH 43218-3040
 517201556 +Laboratory Corp. of America, Attn: American Medical Collection Agency,
 4 Westchester Plaza, Ste. 110, Elmsford, NY 10523-1615
 517201557 +Lawrence C. Antonucci, MD, LLC, 415 Route 24, Ste. E, Chester, NJ 07930-2920
 517201558 +MedLabs Diagnostics, 85 Horsehill Rd., Cedar Knolls, NJ 07927-2003
 517201559 +Michael Lockette, 6 Valley Road, Randolph, NJ 07869-2920
 517201562 +Morris County Dental, 15 Commerce Blvd., Ste. 201, Succasunna, NJ 07876-1343
 517201561 +Morris County Dental, Attn: IC System, Inc., PO Box 64378, Saint Paul, MN 55164-0378
 517201563 +Morristown EMA, PO Box 6312, Parsippany, NJ 07054-7312
 517201564 +Morristown Medical Center, PO Box 35610, Newark, NJ 07193-5610
 517201565 Ocwen Loan Servicing, PO Box 785056, Orlando, FL 32878-5056
 517201567 +Quest Diagnostics, Attn: Credit Collection Services, 725 Canton St.,
 Norwood, MA 02062-2679
 517201566 +Quest Diagnostics, PO Box 740985, Cincinnati, OH 45274-0985
 517201569 +Shellpoint Mortgage Servicing, PO Box 10826, Greenville, SC 29603-0826

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usanj.njbankr@usdoj.gov Dec 28 2017 22:54:06 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Dec 28 2017 22:54:03 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 517201548 +E-mail/Text: mreed@affcollections.com Dec 28 2017 22:54:08 Accurate Collection Services,
 17 Prospect St., Morristown, NJ 07960-6862
 517214802 +E-mail/PDF: acg.acbn@americaninfosource.com Dec 28 2017 22:50:49
 Capital One Auto Finance, a division of Capital On, AIS Portfolio Services, LP,
 P.O. Box 165028, Irving, TX 75016-5028
 517201552 +E-mail/Text: bankruptcy@certifiedcollection.com Dec 28 2017 22:53:48
 Certified Credit & Collection Bureau, PO Box 336, Raritan, NJ 08869-0336
 517201555 +E-mail/Text: cio.bncmail@irs.gov Dec 28 2017 22:53:32 Internal Revenue Service,
 Centralized Insolvency Operation, PO Box 7346, Philadelphia, PA 19101-7346
 517201560 +E-mail/Text: collect@williamsalexander.com Dec 28 2017 22:53:43 Slobodan J. Miric, MD,
 c/o Williams, Alexander, & Associates, 1479 Route 23 South, Wayne, NJ 07470-7507
 TOTAL: 7

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

517201568 Regional Cancer Associates-Morristown, 25 Main Street, Ste. 601

TOTALS: 1, * 0, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 30, 2017

Signature: /s/Joseph Speetjens

District/off: 0312-2

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 26

Date Rcvd: Dec 28, 2017

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 27, 2017 at the address(es) listed below:

David A. Ast on behalf of Joint Debtor Latisha Shaw david@astschmidtllaw.com,
info@astschmidtllaw.com;robert@astschmidtllaw.com;astecf@gmail.com
David A. Ast on behalf of Debtor Brian W. Shaw david@astschmidtllaw.com,
info@astschmidtllaw.com;robert@astschmidtllaw.com;astecf@gmail.com
Marie-Ann Greenberg magecf@magtrustee.com
Rebecca Ann Solarz on behalf of Creditor CitiBank, N.A. rsolarz@kmlawgroup.com
Robert L. Schmidt on behalf of Debtor Brian W. Shaw robert@astschmidtllaw.com,
info@astschmidtllaw.com;david@astschmidtllaw.com
Robert L. Schmidt on behalf of Joint Debtor Latisha Shaw robert@astschmidtllaw.com,
info@astschmidtllaw.com;david@astschmidtllaw.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 7